IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1618 OF 2004

Jitendra Waman Bansode ..Petitioner.

Vs.

The State of Maharashtra & Ors. .. Respondents.

....

Mr. A.P. Patil for the Petitioner.
Mr. C.R. Sonawane, Assistant Government Pleader for Respondent Nos.1 and 2.
Mr. R.G. Ketkar for Respondent No.3.
Mr. P.M. Pradhan for Respondent No.5.

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CORAM: KSHITIJ R. VYAS, C.J. &
DR.D.Y.CHANDRACHUD, J.

24th April, 2006.

P.C. (Per. D.Y. CHANDRACHUD, J.) :

1. The relief that has been sought in these proceedings is for quashing and setting aside a Government Resolution dated 18th October, 2001 issued by the State of Maharashtra. Prayer clause (b) of the Petition which is the only substantive prayer reads as follows :

> "That by an appropriate writ, order, direction in the like nature it may be declared that the Government Resolution No. NGC-1201/11815/(38)/01/VE-4, dated 18.10.2001 issued by the Respondent No.1, State of Maharashtra as illegal and the same may be quashed and set aside."

2. The Government Resolution dated 18th October, 2001 has been upheld by a Division Bench of this Court in **Vishwaprakash s/o Laxman Sirsath v. State of Maharashtra** (2003 (2) Mh. L. J. 176). The challenge to the Government Resolution, having already been decided upon by a Division Bench of this Court, must consequently fail. We may note that it has not been disputed before the Court that the decision of the Aurabgabad Bench in the aforesaid judgment would squarely cover the present case. In these circumstances, we do not find any reason to exercise our extra-ordinary jurisdiction under Article 226. The Petition is dismissed.

CHIEF JUSTICE

(DR. D.Y. CHANDRACHUD, J.)